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**To:**

Mail Stop Appeal Brief – Patent  
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**From:**

Robert Yoshida  
Aventis Pasteur Inc.

This facsimile is 74 pages, including this cover page

August 11, 2004

**Re:**

Applicants: Loosmore, et al.  
Application No.: 09/857,843  
Filing Date: September 17, 2001  
Title: Multi-Component Vaccine Comprising At Least Two Antigens From  
Haemophilus influenzae To Protect Against Disease  
Grp./AU: 1645  
Examiner: Ja-Na Hines

**This facsimile contains :**

Certificate of Transmission (1 page)  
Transmittal Form (1 page)  
Fee Transmittal Form (1 page)  
Petition for Extension of Time under 1.136(a) in duplicate (2 pages)  
Response to Notification of Noncompliance with 37 CFR 1.192(c) (2 pages)  
Appeal Brief in triplicate (66 pages)

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PTO/SB/97 (08-03)

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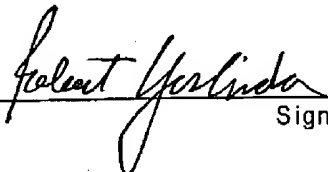
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The following papers listed below are submitted:

Transmittal Form (1 page)  
Fee Transmittal Form (1 page)  
Petition of Extension of Time under 37 CFR 1.136(a) & copy thereof (2 pages)  
Response to Notification of Noncompliance with 37 CFR 1.192(c) (2 pages)  
Appeal Brief in triplicate (66 pages)

The above documents relate to Loosmore et al, U.S. Appl. No. 09/857,843, filed September 17, 2001; Attorney Docket No. 1038-1160

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/857,843	
	Filing Date	September 17, 2001	
	First Named Inventor	Sheena M Loosmore	
	Art Unit	1645	
	Examiner Name	Hine, Ja-Na	
Total Number of Pages in This Submission	73	Attorney Docket Number	1038-1160

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Certificate of Transmission</b>
Remarks -Amendment/Reply is the Response to Notification of Noncompliance with 37 CFR 1.192(c). -Extension of Time Under 37 CFR 1.136(a) is provided in duplicate. -Appeal Communication is Appeal Brief, provided in triplicate. Total number of pages of this submission includes this Transmittal Form.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Robert Yoshida; Aventis Pasteur, Inc.	
Signature	<i>Robert Yoshida</i>	
Date	12 August 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
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PATENT Docket No.: 1038-1160

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Loosmore, et al.

Application No.: 09/857,843

Filing Date : September 17, 2001

Title : Multi-Component Vaccine Comprising At Least  
Two Antigens From Haemophilus influenzae  
To Protect Against Disease

Grp./AU : 1645

Examiner : Ja-Na Hines

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August 12, 2004

**RESPONSE TO NOTIFICATION  
OF NONCOMPLIANCE WITH 37 CFR 1.192(c)****BY FACSIMILE 703-872-9306**Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Facsimile: (703) 872-9306

Dear Sir:

This is a response to the Notification of Non-Compliance with 37 CFR 1.192(c), mailed February 17, 2004.

**REMARKS**1. **Response to Notice.**

An Appeal Brief was timely submitted pursuant to applicant's appeal from a Final Rejection of claims 1-5, 25 and 27 dated December 31, 2002. A Notification of Non-Compliance with 37 CFR 1.192(c) was February 17, 2004 requiring Applicants to file in triplicate a complete new brief in compliance with 37 CFR 1.192(c). In particular, the notice stated that:

(1) "The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawings, if any, by reference

characters (37 CFR 1.192(c)(5)); and

(2) "the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief."

Applicants attach three copies of a new Appeal Brief. This brief includes a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawings by reference characters as required 37 CFR 1.192(c)(5); and deletes the statement that one or more claims do not stand or fall together thereby obviating the need to present arguments in support thereof in the argument section of the brief required by 37 CFR 1.192(c)(7).

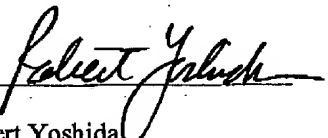
2. Petition for Extension of Time.

Applicants attach a Petition for Extension of Time Under 37 CFR 1.136(a) requesting an extension of five months of the period for filing a response to the Non-Compliance with 37 CFR 1.192(c), mailed February 17, 2004. As this response was filed before August 17, 2004, the response is timely made.

Also, Applicants attach a completed Fee Transmittal form wherein the Commissioner for Patent is authorized to charge the prescribed fee for this petition for extension of time to USPTO Deposit Account No. 50-0244. In the event of underpayment or overpayment, the Commissioner for Patents is hereby authorized to apply any additional charges or refunds to USPTO Deposit Account No. 50-0244.

Applicant respectfully requests consideration and entry of this paper. Should the Examiner have any questions concerning the attached brief, she is invited to contact the undersigned at (570) 839-5537.

Respectfully submitted,

By: 

Robert Yoshida  
Reg. No 54,941

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